

REMARKS

Claims 1, 3 and 5-19 are pending in the present application. Claims 2, 4 and 20 are herein canceled. Claim 1 is herein amended. No new matter has been entered.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 6, 8-16 and 18-20 were rejected under 35 U.S.C. § 102(a) as being anticipated by **Kanda** (EP 1 152 036). Favorable reconsideration is requested.

Claim 1 has been amended to include the limitations of claims 2 and 4.

Applicants respectfully submit that Kanda does not disclose:

wherein a maximum opening dimension D_{max} (nm) and a minimum opening dimension D_{min} (nm) of the smoothed resist pattern are within a range of $\pm 5\%$ with respect to a predetermined opening dimension D (nm) of the resist pattern, and

wherein the predetermined opening dimension D (nm) of the resist pattern, and an average opening dimension D_{av} (nm) of the smoothed resist pattern whose wall surfaces have been smoothed satisfy the relation expressed by:

$$D_{av} \text{ (nm)} \geq D \text{ (nm)} \times (90/100).$$

as recited in amended claim 1.

For at least the foregoing reasons, claim 1 is patentable over Kanda, and claims 3 and 5-19 are patentable by virtue of their dependence from claim 1.

Accordingly, withdrawal of the rejection of claims 1, 6, 8-16, 18 and 19 based on Kanda is hereby solicited.

Double Patenting

Claims 1-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of co-pending Application No. 10/290,493.

Applicants defer action on the provisional double patenting rejection until all other rejections have been withdrawn.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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